STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mrs Livingstone
67 Tape Street
Cheadle
Staffordshire
ST10 1ET

Application no: SMD/2016/0220

Determined on: 07/10/2016

Planning (Listed Buildings and Conservation Areas) Act 1990
The Planning (Listed Buildings and Conservation Areas) Regulations 1990

REFUSAL OF LISTED BUILDING CONSENT

Location of Development:
67 Tape Street Cheadle Staffordshire ST10 1ET

Description of Development:
Listed Building Consent for proposed block paved drive and garden, partial demolition of boundary wall together with associated landscaping

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **HEREBY REFUSE LISTED BUILDING CONSENT** for the works described above in accordance with plans ref: DL-01-01,DL-01-02 for the reasons specified below:

1. The proposed new vehicular access, by virtue of its form and design and removal of most of a front boundary wall which forms part of the listing of a Grade II listed building, would be harmful to the special historical character, appearance and setting of that listed building and therefore would not comply with policies DC1 (Design Considerations) or DC2 (The Historic Environment) of the Council's Core Strategy which states that all development should, amongst other things, respect the character and appearance of the site and also that the historic environment, including significant historical buildings will be safeguarded and where possible be enhanced by resisting development which would harm the special character and historic heritage of those interests of acknowledged importance. The proposal therefore would also be contrary to Section 12 (Conserving and enhancing the historic environment) of the NPPF.

Informative

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

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X B.J. Haywood

Signed by: Haywood, Ben

On behalf of Staffordshire Moorlands District Council

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NOTES

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.

2. If Listed Building consent is refused or granted subject to conditions whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is situated, a Listed Building purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

4. If you want to appeal against your local planning authority's decision listed building consent then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk